

03-08-02

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Seq notAtty Dkt No. 0800-0009.08  
PATENT

# REQUEST FOR FILING CONTINUATION/DIVISIONAL APPLICATION



Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

- ☒ "Express Mail" Mailing Label No. EV 081 924 621 US Date of Deposit 5 March 2002  
I hereby certify that this paper or fee is being deposited with the United States Postal Service  
"Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above  
and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

PAT H. MENDES

(Typed or Printed Name of Person Mailing Paper or Fee)

[Signature]

(Signature of Person Mailing Paper or Fee)

Sir:

This is a request for filing a X continuation    divisional application under 37 C.F.R.  
1.53(b)(1), of pending prior application serial no. 09/755,734 filed on January 4, 2001, of Podsakoff et al.  
for METHODS FOR DELIVERING DNA TO THE BLOODSTREAM USING RECOMBINANT  
ADENO-ASSOCIATED VIRUS VECTORS.

1. X Enclosed is an application filed under 37 C.F.R. 1.53(b)(1). No new matter has been added.
2. X Applicant(s) claim(s) small entity status.
3. X The filing fee is calculated below:

A.	Basic Application Fee		\$740
B.	Total Claims 22 - 20 = 2	x \$18	\$36
C.	Independent Claims 7 - 3 = 4	x \$84	\$336
D.	If multiple claims present, add	\$280	
E.	Total Application Fee (Total of A, B, C & D)	=	<u>\$1112</u>
F.	If small entity status is claimed, reduce Total Application Fee by 50%		<u>556</u>
G.	Total Fee Due (E - F)	=	\$556

4. X The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.
5. X A check to cover the \$ 556 application fee is attached.
6.    Cancel in this application original claims of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. X The inventor(s) of the invention being claimed in this application is (are): Gregory M. PODSAKOFF and Gary J. KURTZMAN.
8.    This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.53(b)(1), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application: .
9. X Amend the specification by inserting before the first line the sentence:  
This application is a continuation of U.S. Patent Application Serial No. 09/755,734, filed January 4, 2001, which is a continuation of U.S. Patent Application Serial No. 09/309,042, filed May 10, 1999 (now US Patent No. 6,211,163), which is a continuation of U.S. Patent Application Serial No. 09/226,989, filed January 7, 1999 (now abandoned); which is a continuation of U.S. Patent Application Serial No. 08/588,355, filed January 18, 1996 (now U.S. Patent No. 5,858,351) from which applications priority is claimed pursuant to 35 U.S.C. §120 and which applications are incorporated herein by reference in their entireties.
10. X The prior application is assigned of record to Avigen, Inc..
11.    A preliminary amendment is enclosed.
12. X Also enclosed: Blanket Petition for Extension of Time and Authorization to Charge or Credit Deposit Account, Sequence Listing (paper), Request to Use Computer Readable Form From Another Application; Information Disclosure Statement; PTO-1449.
13. X The power of attorney in the prior application is to Roberta L. Robins.
- a. X The power appears in the original papers in the prior application.
- b.    Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. X Recognize the following individuals as Associate Attorneys: Kenneth G. Chahine, Reg. No. 42,398, M. Christina Thomson, Reg. No. 43,190, Dahna S. Pasternak, Reg. No. 41,411, Gary R. Fabian, Ph.D., Reg. No. 33,875, and Narinder S. Banait, Reg. No. 43,482.

d. X Address all future communications to Roberta L. Robins at:

X Customer No. 31048  
ROBINS & PASTERNAK LLP  
545 Middlefield Road, Suite 180  
Menlo Park, CA 94025  
phone: (650) 325-7812  
fax: (650) 325-7823.

3/5/02  
\_\_\_\_\_  
(date)

\_\_\_\_\_  
(Attorney of Record)  
Roberta L. Robins  
Reg. No. 33,208

Address of signator:

   inventor(s)  
   assignee of complete interest  
X attorney or agent of record

   filed under § 1.34(a)

x "Express Mail" Mailing Label No. EV 081 924 621 US Date of Deposit 5 March 2002  
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and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

PAT HIMENES

(Typed or Printed Name of Person Mailing Paper or Fee)

Pat Himenes

(Signature of Person Mailing Paper or Fee)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

PODSAKOFF et al.

Serial No.: Cont of 09/755,734

Group Art Unit: Unassigned

Filing Date: Herewith

Examiner: Unassigned

Title: METHODS FOR DELIVERING DNA TO THE BLOODSTREAM USING  
RECOMBINANT ADENO-ASSOCIATED VIRUS VECTORS

TRANSMITTAL LETTER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is an Information Disclosure Statement and a  
Form PTO-1449. It is believed that no fee is due.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R.  
§§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any  
overpayment, to Deposit Account No. 18-1648.

Respectfully submitted,

Date: 3/5/02

By: Roberta L. Robins  
Roberta L. Robins  
Registration No. 33,208

ROBINS & PASTERNAK LLP  
545 Middlefield Road, Suite 180  
Menlo Park, CA 94025  
Telephone: (650) 325-7812  
Facsimile: (650) 325-7823

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and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

PAT HIMENES

(Typed or Printed Name of Person Mailing Paper or Fee)

Pat Himenes

(Signature of Person Mailing Paper or Fee)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

PODSAKOFF et al.

Serial No.: Continuation of SN 09/755,734 Group Art Unit: Unassigned

Filing Date: Herewith

Examiner: Unassigned

Title: METHODS FOR DELIVERING DNA TO THE BLOODSTREAM USING  
RECOMBINANT ADENO-ASSOCIATED VIRUS VECTORS

**REQUEST TO USE COMPUTER READABLE  
FORM FROM ANOTHER APPLICATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

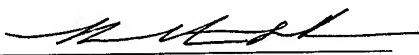
The computer readable form in this application, Continuation of 09/755,734, is identical with that filed in application number 08/588,355, filed January 18, 1996, now U.S. Patent No. 5,858,351. In accordance with 37 CFR §1.821(e), please use the last-filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application.

Atty Dkt No. 0800-0009.08  
USSN: Con of 09/755,734  
PATENT

A paper copy of the Sequence Listing is included herewith for incorporation into the specification. The undersigned hereby states that the content of the attached papers and the computer-readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. §§ 1.821(c) and (e), respectively, are the same.

Respectfully submitted,

Date: 3/5/02

By:   
Roberta L. Robins  
Registration No. 33,208

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"Express Mail" Mailing Label No. EL 668 934 135 US  
Date of Deposit JANUARY 4, 2001

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GAIL WARDWELL

Typed or Printed Name of Person Mailing Paper or Fee

Gail Wardwell

Signature of Person Mailing Paper or Fee

Application for U.S. Letters Patent Entitled

METHODS FOR DELIVERING DNA TO THE BLOODSTREAM USING  
RECOMBINANT ADENO-ASSOCIATED VIRUS VECTORS (as amended)

claiming priority to U.S. Patent Application Serial No. 09/309,042, filed May 10, 1999,  
which is a continuation of U.S. Patent Application Serial No. 09/226,989,  
filed January 7, 1999, which is a continuation of U.S. Patent Application Serial No.  
08/588,355, filed January 18, 1996, now U.S. Patent No. 5,858,351

by Inventors:

Gregory M. PODSAKOFF  
Gary J. KURTZMAN

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Attorney Docket No. 0800-0009.05